

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 6, 8-12, 16, 18-22, 26, and 28-30 are pending in the present application, Claims 1, 2, 6, 9, 11, 12, 16, 19, 21, 22, 26, and 29 having been amended, and Claims 3-5, 7, 13-15, 17, 23-25, and 27 having been cancelled without prejudice or disclaimer. Support for the amendments to Claims 1, 2, 6, 9, 11, 12, 16, 19, 21, 22, 26, and 29 is found, for example, in paragraphs [0134] and [0142] of the originally filed specification, Figs. 20-22, and the cancelled claims. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1-30 were rejected under 35 U.S.C. §103(a) as unpatentable over Lovy et al. (U.S. Patent No. 7,069,480, hereinafter Lovy) in view of Bennett et al. (U.S. Patent No. 6,799,211, hereinafter Bennett).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on March 24, 2008. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

With respect to the rejection of Claim 1 as unpatentable over Lovy in view of Bennett, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

retrieving, from a first digital storage unit, support information containing parameters for extracting the status information using the plurality of communication protocols and relative priority data associated with the status information, wherein the relative priority data indicates, for each of the plurality of communication protocols, a relative level of detail of the status information to be extracted from the monitored device;

storing, in a second digital storage unit, the information obtained from the first digital storage unit for accessing the device using the plurality of communication protocols;

selecting a communication protocol among the plurality of communication protocols;

determining that the relative priority data corresponding to the selected communication protocol and the status information is higher than another relative priority data corresponding to another communication protocol and the status information;

Lovy and Bennett, taken alone or in proper combination, do not disclose or suggest every element of amended Claim 1.

When rejecting previous Claim 3, page 8 of the outstanding Office Action states “see Lovy; column 6, lines 65-67, continue to column 7, lines 1-22; the various protocol queries enabled the network appliance to retrieve priority status data relative to one particular protocol through the use of the Status Poller.” However, the sections of Lovy noted here do not discuss “priority status.” The only place Lovy describes “priority status” is at col. 14, line 25, in the context of the case management system. After a fault has been detected, the auto cases are assigned a priority that reflects the significance of the problem relative to the network impact.¹ The “priority” used in Lovy is not the same as the priority described in amended Claim 1. The “priority status” of Lovy does not indicate, for each of a plurality of communication protocols, a relative level of detail of the status information to be extracted from the monitored device.

Moreover, Lovy does not disclose or suggest “determining that the relative priority data corresponding to the selected communication protocol and the status information is higher than another relative priority data corresponding to another communication protocol and the status information. While col. 8, lines 31-34 of Lovy lists different protocols that

¹ Lovy, col. 13, lines 56-67.

may be used, there is no priority data corresponding to these protocols that indicates a relative level of detail in the status information to be extracted from the monitored device. Lovy does not disclose or suggest that any one protocol obtains more detailed information than another protocol, and does not disclose or suggest how to use such information to extract status information.

The present inventors recognized that different communication protocols may be able to extract the same type of status information from a monitored device. However, the different protocols may extract a different amount of detail for the same type of status information. Applicant's Fig 20 is a non-limiting example of the first digital storage unit, and includes an `nRelativePriority` field 2010, which indicates the weight or importance of the extracted information from the monitored device using more than one protocol. If the same information may be extracted from the monitored device using more than one protocol, the `nRelativePriority` value gives a relative indication of which protocol's extracted value should be used. For example, if HTTP is only able to extract information indicating whether the toner level is "high" or "low" while SNMP protocol is able to extract the percentage level of toner remaining, the priority level for the toner level for SNMP would be higher than the corresponding value for HTTP.

Page 3 of the outstanding Office Action takes the position that the dependency data of Lovy equates to the claimed "support information." According to the abstract of Lovy, the "dependency data relate[s] to each object which identifies parent/child relationships with other objects at the same or different layers of the OSI network protocol model... A root cause analysis module utilizes status and dependency data to locate the highest object in the parent/child relationship tree that is affected to determine the root cause of a problem." These dependency relationships do not equate to the claimed "relative priority data." The dependency data does not include "a relative level of detail of the status information to be

extracted from the monitored device,” and is not used determine “that the relative priority data corresponding to the selected communication protocol and the status information is higher than another relative priority data corresponding to another communication protocol and the status information.”

Furthermore, Bennett does not cure the above-noted deficiencies in Lovy. Bennett describes a system where network devices communicate using different protocols. The system includes a common communication agent 104 that converts or otherwise translates non-standard data into a standardized format. Interpretation/extraction module 110 filters out unnecessary data. However, Bennett does not disclose or suggest the elements of amended Claim 1.

Since Lovy and Bennett fail to disclose or suggest every element of amended Claim 1, Applicants respectfully submit that a person of ordinary skill in the art could not properly combine Lovy and Bennett to arrive at the claimed invention.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Lovy and Bennett, taken alone or in proper combination. Claims 11 and 21 recite elements analogous to those of Claim 1. Applicants respectfully submit that Claims 11 and 21 (and any claims dependent thereon) patentably distinguish over Lovy and Bennett, taken alone or in proper combination, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

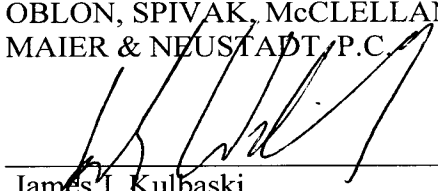
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Joseph Wrkich
Registration No. 53,796